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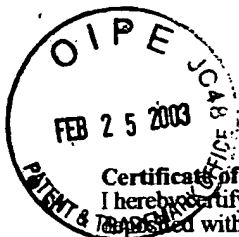
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on 2/25/2003
Date

Craig M. Stainbrook (Reg. No. 45,126)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|----------------------|
| Applicant: McCarten, James D. |) | Examiner: Tran A, P. |
| Serial No.: 09/557,693 |) | Art Unit: 3636 |
| Filed: 04/25/00 |) | Conf. No: 8544 |
| Title: STRUTLESS BUILDING MODULE AND METHOD OF USING TO ASSEMBLE DOME STRUCTURES |) | |

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Commissioner for Patents
Washington, D.C. 20231

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. 137(b)**

Dear Sir:

Applicant, by and through its attorneys of record, respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to Applicant, the abandonment was completely unintentional and without his authorization.

The above-identified application became abandoned for failure to file a timely and proper reply to the Office Action mailed 23 April 2002, which set a six month period for reply.

The abandonment date of this application is 24 October 2002 (i.e., one day after the expiration date of the period set for reply plus any extensions of time obtained therefor).

Applicant filed a RCE application on July 30, 2002, along with a request for an interview

Petition to Revive
Application Ser. No: 09/557,693
Applicant: McCARTEN, James
Attorney Docket No: 00409.P1

prior to the first office action in the RCE case. Based on a telephone conversation with the examiner in this matter, the undersigned erroneously understood that his request for interview, filed concurrently with applicant's RCE, would result in an interview before the six-month shortened statutory period relating to the outstanding office action had passed, that an interview could be timely concluded, and that applicant would therefore be able to provide a more informed response to the 23 April 2002 office action based on the interview results.

On October 22, 2002, the Office mailed an office communication indicating that the RCE filed July 30, 2002 was considered not responsive as it lacked a response to the final Office Action. This was only two days before the application was to go abandoned. The examiner called the undersigned on 13 November 2002, confirmed that the application had gone abandoned, and the undersigned then confirmed its intention to file a petition to revive.

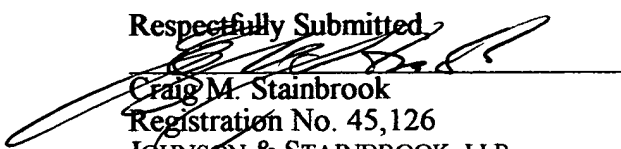
The application has been abandoned for slightly over three two months. A statement of the reasons for the delay in filing the petition is filed concurrently herewith.

The instant petition is being filed as expeditiously as possible after the holiday season and after applicant's attorney learned of the abandonment. As shown in the Statement of Reasons for Delay in Filing the Petition to Revive, the delay in filing the instant petition is attributable to applicant's attorney, not to Applicant. Further, as to applicant, the abandonment was entirely unintentional.

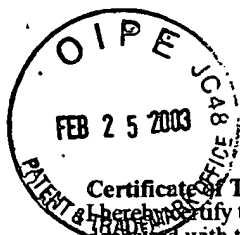
It is submitted, therefore, that based on the foregoing reasons the abandonment should be held to be unintentional and that the enclosed Rule 111 Amendment should be entered and the case revived.

Date: 2/25/2003

Respectfully Submitted


Craig M. Stainbrook
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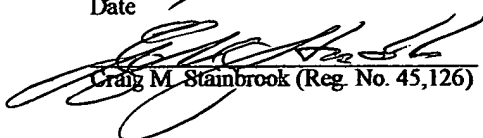
Petition to Revive
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STATEMENT OF REASONS FOR DELAY
IN FILING PETITION TO REVIVE

Dear Sir:

The undersigned is the primary attorney in charge of prosecuting the above-indicated patent application. In its petition, filed concurrently herewith, Applicant has petitioned the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to Applicant, the abandonment was completely unintentional and without his authorization.

A final office action in the originally filed case was mailed on April 23, 2002. Applicant filed an RCE on July 30, 2002. A Request for Interview was filed concurrently with the RCE, in

Statement of Reasons for Delay
Application Ser. No: 09/557,693
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which applicant requested an interview before a first substantive office action in the RCE case. Based on a telephone conversation with the examiner in this matter, the undersigned erroneously understood that his request for interview, filed concurrently with applicant's RCE, would result in an interview before the six-month shortened statutory period relating to the office action mailed April 23, 2002 had passed. The undersigned believed that an interview could be timely concluded before October 23, 2002, and that applicant would therefore be able to provide a more informed response to the April 23, 2002 office action based on the interview results.

The undersigned first learned that the interview would not take place and that the new application would go abandoned after receiving an Office communication, mailed October 22, 2002, and received October 25, 2002, one day after the six-month statutory period for reply had passed.

In a telephone conversation with the examiner on November 13, 2002, the undersigned confirmed that he would file a petition to review the unintentionally abandoned application.

The application has been abandoned for slightly over three two months. The instant petition is being filed as expeditiously as possible after the holiday season and after applicant's attorney learned of the abandonment. The delay beyond three months is attributable to two pressing matters which occupied the latter half of December 2002 and the entire month of January 2003: the first was the birth of the undersigned's son on January 3, 2002, which has resulted in considerable time away from the office for the undersigned; the second was a trademark dispute involving multiple parties to a proposed opposition to a pending application for registration. Because the undersigned's law firm comprises only two patent attorneys, each with their own docket, and each with significantly pressing deadlines, it was not possible to address this matter appropriately until this time.

It is submitted, therefore, that based on the foregoing reasons the abandonment should be held to be unintentional and that the enclosed Rule 111 Amendment should be entered and the case revived.

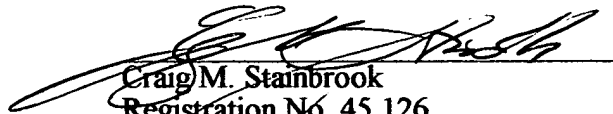
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these

Statement of Reasons for Delay
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statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

Date: 2/25/2003


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